



U. S. Department of Transportation
Docket Operations, M-30
West Building ground floor,
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590

20 December 2021

Ladies/Gentlemen:

Please consider this Omni Air International's petition for exemption 18651(as amended).

Omni Air International (OMNI), Air Carrier Certificate CNMA334B, is a worldwide operator of large passenger-carrying aircraft in non-scheduled operations providing air transportation solutions to a variety of customers that include among others U.S. Government Agencies, Non-Governmental Organizations and commercial enterprises. Each of these entities continues to experience the adverse effects of near-constant changes in public health and travel restrictions that severely restrict their ability to move goods by air. The demand for global distribution of goods by air has not and cannot foreseeably be met by the existing capacity of the all-cargo and scheduled passenger carrying aircraft fleets.

OMNI has safely and efficiently assisted many of its customers in providing humanitarian relief supplies, medical equipment and devices, and vaccines to underserved and often remote locations by transporting goods in the passenger compartment of its aircraft in accordance with the provisions of Exemption 18651 and its amendments. OMNI continues to see demand for the capacity to continue to transport cargo in Passenger Aircraft Cabin on passenger seats for at least two years after the expiry of the current exemption on 31 December 2021.

OMNI petitioned the Administrator for an extension of the current exemption through its filing posted to the Federal Docket Management System (FDMS) on 18 November 2021. OMNI is reliably informed that the Administrator is disinclined to issue further extensions to Exemption 18651 previously issued to a trade association. Understanding that the Federal Aviation Administration does not currently support multiple-party exemptions, OMNI now wishes to petition for an exemption as a Part 119 certificate holder.

OMNI's principal place of business is:

3303 N. Sheridan Rd
Tulsa, OK 74115 USA

Now, therefor, OMNI petitions, in accordance with Title 14 Code of Federal Regulations (C.F.R.) §11.61 and the specifications of 14 C.F.R. §11.81, for an exception from:



- 14 C.F.R. 91.9(a) : *“Except as provided in paragraph (d) of this section, no person may operate a civil aircraft without complying with the operating limitations specified in the approved Airplane or Rotorcraft Flight Manual, markings, and placards, or as otherwise prescribed by the certificating authority of the country of registry.”*
 - This petition seeks to allow OMNI to carry cargo in passenger aircraft cabin, notwithstanding the requirements in §91.9(a).
- 14 C.F.R. 91.9(b): *“No person may operate a U.S.-registered civil aircraft -*
(1) For which an Airplane or Rotorcraft Flight Manual is required by § 21.5 of this chapter unless there is available in the aircraft a current, approved Airplane or Rotorcraft Flight Manual or the manual provided for in § 121.141(b); and
(2) For which an Airplane or Rotorcraft Flight Manual is not required by § 21.5 of this chapter, unless there is available in the aircraft a current approved Airplane or Rotorcraft Flight Manual, approved manual material, markings, and placards, or any combination thereof.”
 - This petition seeks to allow OMNI to carry cargo in passenger aircraft cabin, notwithstanding the requirements in §91.9(b).
- 14 C.F.R. 121.153(a): *“Except as provided in paragraph (c) of this section, no certificate holder may operate an aircraft unless that aircraft -*
(1) Is registered as a civil aircraft of the United States and carries an appropriate current airworthiness certificate issued under this chapter; and
(2) Is in an airworthy condition and meets the applicable airworthiness requirements of this chapter, including those relating to identification and equipment.”
 - This petition seeks to allow OMNI to carry cargo in passenger aircraft cabin, notwithstanding the requirements of §121.153(a).
- 14 C.F.R. 121.337(b)(9)(iii): *“In each passenger compartment, one for each hand fire extinguisher required by § 121.309 of this part, to be located within 3 feet of each required hand fire extinguisher, except that the Administrator may authorize a deviation allowing locations of PBE more than 3 feet from required hand fire extinguisher locations if special circumstances exist that make compliance impractical and if the proposed deviation provides an equivalent level of safety.”*
 - This petition seeks to allow OMNI to position PBE more than 3 feet from required hand fire extinguisher locations if special circumstances exist that make compliance impractical and proposed deviation proves an equivalent level of safety.

OMNI seeks this relief in order to continue to provide safe and effective transportation solutions that allow for the timely delivery of goods including medical supplies and devices, vaccines and other time critical goods to locations at which there is a deficiency in capacity.



This request is in the public interest. Permitting OMNI to transport cargo in the passenger cabin helps ensure timely delivery of humanitarian relief, public health good and services, lifesaving appliances, and other valuable commodities to locations in the United States and worldwide that continue to be challenged by logistical backlogs and capacity restrictions. OMNI has continuously demonstrated a unique capability to provide a critical air link to remote locations not typically served by others.

Granting this petition does not adversely affect the safety of air commerce or the public. OMNI has successfully transported cargo in Passenger Aircraft Cabin in accordance with Exemption 18651 *et seq.* without incident by applying the fundamental principles of safety risk management and the Limitations and Conditions of the existing exemption. The Federal Aviation Administration has previously established by granting the multi-party exemption that granting this petition will provide a level of safety at least equivalent to that provided by the rule(s) from which OMNI seeks relief.

Time is of the essence and the issue is not controversial nor will it adversely affect safety. OMNI holds Exemption 18651B and had petitioned for its extension more than 30 days prior to its expiry date on 31 December 2021. As such, OMNI submits that the FAA not publish a summary of the Petition for Exemption in the Federal Register because any delayed action on this petition will adversely affect OMNI.

- Granting this petition will not set a precedent.
- The relief sought is identical to that granted in Exemption 18651B.
- Delayed action will adversely affect OMNI and the public by interrupting provision of existing air transportation services to communities worldwide.
- OMNI filed a timely petition to extend the existing exemption without reply from the Administrator. OMNI now requests expeditious processing of this petition to avoid potential service interruptions.

OMNI requests that this petition be granted with the same Limitations and Conditions as those contained in Exemption 18651B. OMNI further request its petition for exemption be granted for a period of two years.

OMNI wishes to exercise the privileges of the petitioned exemption outside the territory of the United States. Manufacturers and distributors of certain goods such as medical supplies are located outside the United States and desire airlift both to the United States and to other non-US locations. Certain medical devices and vaccines manufactured in the United States continue to be urgently needed in locations outside the United States. The global supply chain continues to be challenged by ever-changing public health and travel restrictions, continuing to make OMNI a critical component of a complex international distribution network.

If the FAA rejects OMNI's request to forego publication in the Federal Register, OMNI offers the following summary:

Affected Regulations: 14 C.F.R. §91.9(a) and (b), 14 C.F.R. §121.153(a), and 14 C.F.R. §121.337(b)(9)(iii)



Summary of Relief Sought: Omni Air International petitions for relief from 14 C.F.R. §91.9(a) and (b), 14 C.F.R. §121.153(a), and 14 C.F.R. §121.337(b)(9)(iii) to allow transport of cargo in passenger aircraft cabin subject to FAA conditions for the transportation of cargo on seats in the passenger cabin of transport category airplanes without revenue passengers on board. Omni Air International has safely and successfully transported goods in passenger aircraft cabin, including critical humanitarian relief supplies and medical cargo in cabin to destinations worldwide. Approval of this petition would allow OMNI to continue to use its passenger aircraft to support remote and otherwise underserved locations.

Thank you very much for your attention in this matter.

Robert E. Zeng
Director of Operations Training
Omni Air International